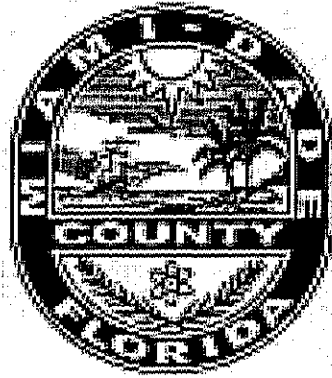


Miami Dade County

Stephen P. Clark Government Center
111 N.W. 1st Street
Miami, Fl. 33128



OFFICE OF THE COMMISSION AUDITOR
Legislative Division

Tuesday, October 12, 2004
9:30 am
Commission Chambers

Board of County Commissioners

Government Operations and
Environment
Committee

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

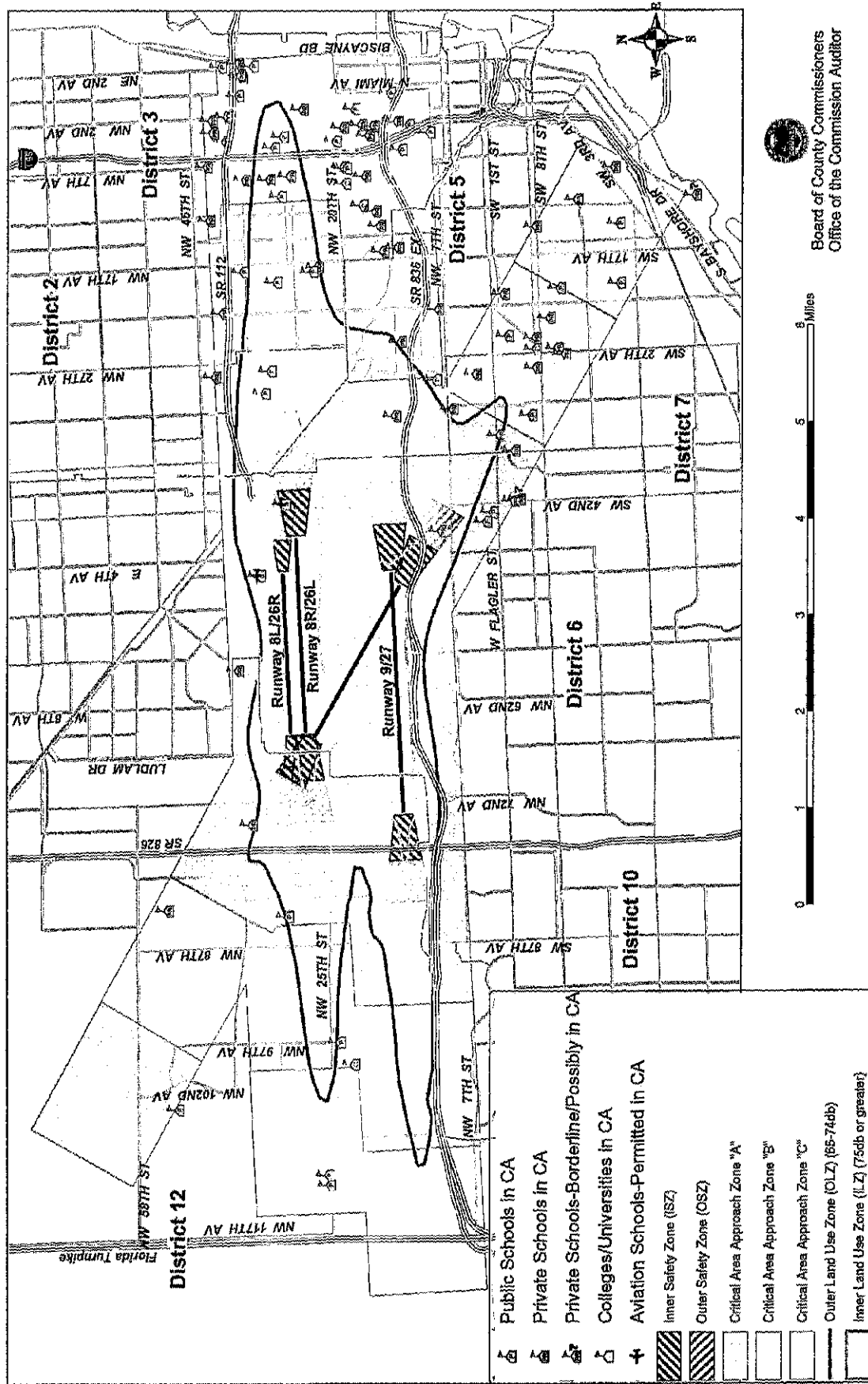
ORDINANCE RELATING TO MIAMI INTERNATIONAL AIRPORT (WILCOX FIELD) ZONING; ADOPTING LEGISLATIVE FINDINGS; MODIFYING DEFINITIONS AND REGULATIONS OF HEIGHT, USES AND STRUCTURES PERMITTED IN PROXIMITY TO MIAMI INTERNATIONAL AIRPORT; ESTABLISHING STANDARDS AND PROVIDING FOR APPROVAL OF CERTAIN EDUCATIONAL FACILITIES AND VARIANCES BY BOARD OF COUNTY COMMISSIONERS AFTER RECOMMENDATION BY THE AIRPORT DEVELOPMENTAL IMPACT COMMITTEE EXECUTIVE COUNCIL (AIRPORT DIC); ESTABLISHING AIRPORT DIC AND PROVIDING FOR MUNICIPAL REPRESENTATION IN CERTAIN CASES; PROVIDING FOR APPROVAL OF CERTAIN NEW EDUCATIONAL FACILITIES AFTER SITE PLAN REVIEW BY THE MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING; PROVIDING STANDARDS AND PROCESS FOR APPROVING EXPANSIONS AND MODIFICATIONS OF EXISTING EDUCATIONAL FACILITIES; CREATING SECTIONS 33-303.2 AND 33-343.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (CODE); AMENDING ARTICLE XXXVII, OF CHAPTER 33 AND SECTION 33-314 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 042221]

Commissioner Jose "Pepe" Diaz

Ordinance pertaining to Miami International Airport Zoning.

Please see the attached map which shows schools in the proposed MIA Critical Areas.

Schools in Proposed MIA Critical Areas



LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ORDINANCE RELATED TO ZONING; AMENDING SECTIONS 33-1, 33-279, AND 33-150 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DEFINING WINERY; PERMITTING WINERY AND ANCILLARY USES IN AU DISTRICT SUBJECT TO CONDITIONS; MODIFYING ALCOHOLIC BEVERAGE SPACING REQUIREMENTS FOR WINERIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 041773]

Commissioner Dennis C. Moss

I. SUMMARY

This ordinance amends the Code of Miami-Dade County to define winery and permit winery and ancillary uses in Agricultural (AU) Districts, subject to various conditions.

The proposed code additions are summarized as follows:

- 1) Winery is defined as an agricultural processing facility used for producing wine and where such wine products may be tasted and sold.
- 2) The principal use of the property must be for a working grove or vineyard and the winery shall be the secondary use.
- 3) The property on which these are located must be at least ten (10) acres.
- 4) Maximum lot coverage for all structures related to the winery, wine storage, wine tasting and wine sales is limited to ten (10) percent of the net lot area.
- 5) Off-street parking requirements are stipulated for wine tasting and sales areas and outdoor festivals.
- 6) Food service must be accessory to the production of wine and is limited to hors d'oeuvres and other snacks that are prepared off-site. No commercial kitchen will be allowed.
- 7) Hours of operation for the winery cannot extend beyond 10p.m.
- 8) Outdoor winery festivals that are related to the winery operation and promoting the winery concept are allowed up to six (6) times per year, no more than three (3) days long each, providing that property permits are obtained and written waivers of objection are obtained from all property owners within 500 feet or 80% of the property owners within one-thousand feet prior to the occurrence of the *first* festival.¹
- 9) The use must conform to the requirements of the County's Department of Environmental Resource Management and the special events requirements of the County's Police Department, if applicable.
- 10) The use of loudspeakers and live entertainment are prohibited.

II. PRESENT SITUATION

As of last year, there were 31 licensed wine manufacturers or bottlers operating in Florida.² Under the Florida Right-to-Farm Act, wineries are an acceptable ancillary use for agricultural enterprises. However, the County code does not currently define or provide for wineries.

¹ Written waivers are not required for subsequent festivals.

² Thompson, Bill. "County May Acquire Its First Winery" Star Banner (Ocala, Florida). Nov. 28, 2003.

III. POLICY CHANGE AND IMPLICATION

County staff consulted with the State's Department of Agriculture and County Planning & Zoning staff to prepare what they consider are average or above average zoning standards for wineries in Miami-Dade County. Limiting the winery as an ancillary use and the other above stipulations (particularly, limitations on operating hours, festivals, and prohibition on food preparation on premises) are meant to address concerns that may be raised with what is essentially a commercial operation in an agricultural area. In addition to the County's noise ordinance that would apply, the proposed zoning code also prohibits the use of loud speakers and live entertainment at the winery. This may hinder the success of certain wineries, as wine sales could decline if the winery festival does not attract enough potential customers.

IV. ECONOMIC IMPACT

See comments.

V. COMMENTS AND QUESTIONS

Zoning changes have occurred in many jurisdictions to permit for wineries in agricultural districts. Wineries can provide an economic impetus not only from the distribution and selling of wine, but from the creation of new markets and jobs and tourism. For example, 40% of existing crops are never picked off trees because there is no market for them. Wineries can use this extra and/or bruised fruit in the production of wines. Truck drivers would be needed to move and ship the wines. Packaging (cartons, labels, etc.) of the wine would have to be procured. Winery tours can attract more residents to the area. Opponents might raise concerns about the potential increase in traffic and noise, or the impact on water and sewer in the area and the preservation of open space. However, County staff indicates there is broad support in the agricultural community for this use.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ORDINANCE RELATING TO THE RESIDENCY REQUIREMENTS OF MIAMI-DADE COUNTY EMPLOYEES; AUTHORIZING HUMANITARIAN WAIVERS FOR CURRENT EMPLOYEES ONLY; AMENDING SECTION 2-11.17 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Commissioner Rebeca Sosa

I. SUMMARY

This item would authorize the County Manager to grant humanitarian waivers of residency requirements for current County employees.

II. PRESENT SITUATION

Effective March 1999, persons newly employed by Miami-Dade County (or any of its authorities, agencies or instrumentalities) must reside in Miami-Dade County, or sign a covenant that he/she will move to the County within six (6) months of employment by the County.¹ The County Manager is authorized to waive this residency requirement for new employees for humanitarian reasons. A report is submitted quarterly to the BCC that lists the waivers granted and the reasons for the waivers. According to the Employee Relations Department (ERD), there have been approximately 20-30 waivers to date.

Employees hired before March 1999 are grandfathered in, i.e. are not required to move to Miami-Dade County if they already resided elsewhere.

III. POLICY CHANGE AND IMPLICATION

Current County employees (hired after March 1999) who do not move to/maintain residency in Miami-Dade County may be dismissed from County service if they do not comply. This amendment would allow the Manager to grant residency waivers to these employees for humanitarian reasons (such as medical necessity, care of an elderly family member, special education needs for a child, etc.).

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

According to the ERD, an item from the County Attorney clarifying "humanitarian reasons" is forthcoming to the GOE Committee.

¹ Newly hired employees subject to a probationary period would have to move within three (3) months.

GOE ITEM 3(J)
October 12, 2004

Under the existing code, the Building Department is authorized to hire plans examiners and building inspector in all trades who reside in Broward County (new employees in these classifications are not required to move to Miami-Dade County).

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AMENDING RESOLUTION NO. 1589-94 RELATING TO THE ELECTED OFFICIALS RETIREMENT HEALTH INSURANCE PROGRAM

Commissioner Natacha Seijas

I. SUMMARY

This item amends the Elected Officials Retirement Health Insurance Program, to extend group insurance coverage from up to ten (10) years to a maximum of fifteen (15) years.

II. PRESENT SITUATION

The current Elected Officials Retirement Health Insurance Program provides former elected County officials *with at least five (5) years of service* group health insurance coverage for up to ten (10) years. Former elected officials with at least sixteen (16) years of service, who are Medicare eligible, are also provided Medicare Supplements. The County pays the premium for the elected official, who would only be responsible for any dependent premiums.

III. POLICY CHANGE AND IMPLICATION

This amendment increases the County-provided coverage period from up to ten (10) years to up to fifteen (15) years.

IV. ECONOMIC IMPACT

The fiscal impact depends on the number of participants, the type of coverage, etc. According to the GSA Risk Management Division, it has been minimal, as there are currently only two (2) participants. The payment of this group health coverage is from the Health Insurance Trust Fund.¹

V. COMMENTS AND QUESTIONS

After the maximum years of County-provided health coverage, are the former elected officials allowed to participate in the Consolidated Omnibus Budget Reconciliation Act (COBRA), in which they can pay what was previously the employer's premium to continue the coverage for a certain period of time?

¹ The Health Insurance Trust Fund